



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 189-99
28 March 2000

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 23 March 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 7 February 1975. On 12 August 1976, you were diagnosed as suffering from an explosive personality disorder. You were discharged from the Marine Corps on 21 January 1977, with a discharge under other than honorable conditions, by reason of misconduct based on your commission of numerous offenses for which you were convicted by special court-martial, and received nonjudicial punishment on five occasions.

The Board noted that in order for you to establish your entitlement to disability separation or retirement from the Marine Corps, you must demonstrate that your discharge by reason of misconduct was improper, and that you were unfit by reason of physical disability. It concluded that in view of your commission of numerous acts of misconduct, your service was properly characterized with a discharge under other than honorable conditions. Your unsubstantiated contentions concerning the abuse you allegedly experienced while in the Marine Corps was considered insufficient to warrant any corrective action with regard to the characterization of your service. In addition, the Board noted that even if your discharge

were found to be improper, you would not be entitled to disability separation or retirement, because a personality disorder is not considered a disability under the laws administered by the Department of the Navy. The fact that you have been awarded Social Security disability benefits because of your personality disorder is immaterial to your request for correction of your naval record.

In view of the foregoing, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director